

Poole, Jacqueline

From: Poole, Jacqueline
Sent: Monday, August 22, 2016 12:22 PM
To: Larry Jones
Cc: Laurie Wallace (laurie@bothelauridsen.com)
Subject: Schmill v. Liberty Northwest WCC no. 2001-0300

Thank you.

This e-mail correspondence will be docketed in the Court's file.

Jackie Poole

Jackie Poole
Clerk of Court
Workers' Compensation Court
1625 11th Avenue
P.O. Box 537
Helena, MT 59624-0537
406-444-4667
japoole@mt.gov

FILED

AUG 16 2016

**OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA**

From: Larry Jones [mailto:lwjones@willslawpc.com]
Sent: Tuesday, August 16, 2016 2:51 PM
To: Poole, Jacqueline
Cc: Laurie Wallace (laurie@bothelauridsen.com)
Subject: Schmill v. Liberty Northwest WCC no. 2001-0300

Jackie,

The attachment is one of the letters sent to a common fund claimant. It came back undeliverable. We have an attorney fee hearing scheduled in this case. Please bring this to Judge Sandler's attention.

Larry W. Jones

Wills Law Firm, p.c.
323 West Pine
Missoula, MT 59802
Phone: (406) 541-8560
Ext. 104
lwjones@willslawpc.com

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WILLS LAW FIRM, P.C.

323 West Pine Street
Missoula, MT 59802

(406) 541.8560
www.willslawpc.com

July 12, 2016

Pamela Jones
1136 Dartmoor Circle
Lodi, CA 95240

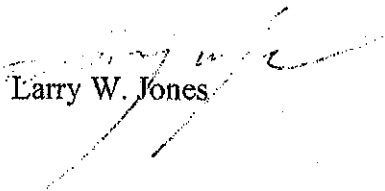
RE: *Cassandra Schmill v. Liberty NW Ins. Corp./Montana State Fund*
Order Establishing Hearing Date

Dear Ms. Jones:

Enclosed is a copy of the Montana Workers Compensation Court's AMENDED ORDER ESTABLISHING HEARING DATE FOR COMMON FUND ATTORNEY FEES. Please read it carefully. The attorney for Cassandra Schmill who is requesting attorney fees is Laurie Wallace, Bothe & Lauridsen, P.C., P.O. Box 2020, Columbia Falls, MT 59912-2020, (406) 892-2193, laurie@bothelauridsen.com. If you do not have any objection to the Court awarding her attorney fees, please notify her as soon as possible.

Very truly yours,

WILLS LAW FIRM, P.C.


Larry W. Jones

LWJ:rm
Enclosure
c: Laurie Wallace

IN THE WORKERS COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2001-0300

FILED

CASSANDRA SCHMILL

JUL - 6 2016

Petitioner

vs.

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer

and

MONTANA STATE FUND

Intervenor.

AMENDED
ORDER ESTABLISHING HEARING DATE FOR
COMMON FUND ATTORNEYS' FEES

As the result of a decision by the Montana Supreme Court on April 10, 2003, in the above-captioned case, Petitioner established the right of occupational disease claimants to receive workers' compensation benefits at the same rate as industrial injury claimants and without any apportionment deductions for non-occupational factors contributing to the occupational disease. You have been identified as a claimant who has either received such an award or is eligible to receive such an award pursuant to the Supreme Court's decision.

Since the Petitioner in this case established the legal precedent for the immediate payment of TTD benefits at the full benefit rate, the Montana Supreme Court has determined that her attorneys are entitled to recover attorneys' fees in some amount for these benefits. The attorneys' fees are payable from the increased TTD benefits that were obtained for claimants who suffered work injuries from the period of July 1, 1987, through June 22, 2001.

In recognition of this decision by the Montana Supreme Court, your workers' compensation insurer has withheld a certain percentage of your past-due TTD benefits in order to pay the attorneys' fees incurred by Petitioner. The specific percentage of the attorneys' fees to be deducted from your past-due benefits has now been agreed upon between the Petitioner and your workers' compensation insurer, but has not yet been

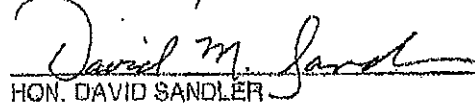
DOCKET ITEM NO. 649

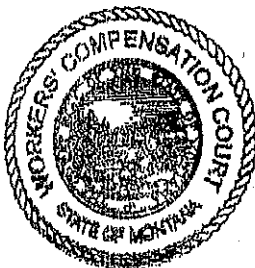
approved by the Montana Workers' Compensation Court. Specifically, the Petitioner and your workers' compensation insurer have agreed that the attorneys' fees be fixed at 25% of all past-due TTD benefits. If the agreement is approved by the Montana Workers' Compensation Court, the attorneys' fees will be forwarded to the Petitioner's attorneys from the amount withheld from your past-due benefits. Any remaining portion of the withheld amounts will be refunded to you.

The Court is not bound by the agreement between the Petitioner and your workers' compensation insurer and may set the amount of the attorneys' fees at some other level. The Court has scheduled a hearing to determine the amount of the attorneys' fees, which you are invited to attend, on Tuesday, the 30th day of August, 2016, in Helena, Montana, at 1:00 P.M. The hearing will be held in the courtroom of the Workers' Compensation Court, 1625-11th Avenue, Helena, Montana.

YOU HAVE THE RIGHT TO BE PRESENT AT THAT HEARING TO VOICE YOUR SUPPORT FOR OR OBJECTION TO THE PROPOSED ATTORNEYS' FEES. YOU MAY ALSO FILE A WRITTEN STATEMENT SUPPORTING OR OBJECTING TO THE PROPOSED ATTORNEYS' FEES BY MAILING YOUR STATEMENT TO THE WORKERS' COMPENSATION COURT, P.O. BOX 597, HELENA, MONTANA, 59624-0597, NO LATER THAN August 23, 2016. *All oral and/or written comments should be limited to the proposed attorneys' fees.*

Dated In Helena, Montana, this 6th day of July, 2016.


HON. DAVID SANDLER



Larry W. Jones
WILLS LAW FIRM, P.C.
323 West Pine Street
Missoula, MT 59802
Telephone (406) 541-8560
lwjones@willslawpc.com

Attorneys for Respondent/Insurer Liberty NW Ins. Corp.

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

CASSANDRA SCHMILL,

Petitioner,

v.

LIBERTY NW INS. CORP.,

Respondent/Insurer.

And

MONTANA STATE FUND,

Intervenor.

WCC No. 2001-0300

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2016, a copy of the Amended Order Establishing Hearing Date for Common Fund Attorneys' Fees was served on the person(s) listed below by the following means:

 Hand Delivery
 1, 2 Mail
 Overnight Delivery Service
 E-Mail

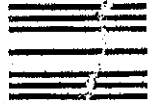
1. Pamela Jones
1136 Dartmoor Circle
Lodi, CA 95240

2. Laurie Wallace
Bothe & Lauridsen, P.C.
P.O. Box 2020
Columbia Falls, MT 59912-2020

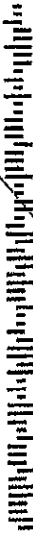
Laurie Wallace

COPY

WILLS LAW FIRM, P.C.
323 West Pine Street
Missoula, MT 59802



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Pamela Jones
1136 Dartmoor Cir.
Lodi CA 95240-6610

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